

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53426 of 2023

Arising Out of PS. Case No.-322 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Rakesh Kumar Sah Son Of Pashupati Sah At Present Resident Of Village -
Gorgawan, Vaishali, Police Station - Mahnaar, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Apurva Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 25(1-b)a, 26 and 27 of the Arms Act and Section 37(c) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of one country made pistol along with one live cartridge and one motorcycle from the possession of the petitioner. It is further alleged that the petitioner was in drunken state when he was apprehended by the police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concern with the



seized recovery of incriminating weapon rather it was planted one and as far as the recovered motorcycle is concerned, the said motorcycle belongs to the petitioner's friend which is evident from the Annexure-2 of this petition which is Registration Certificate. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 10.05.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Patori P.S. Case No. 322 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.02, Samastipur.

(Sunil Kumar Panwar, J)

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